



**Ministry of  
JUSTICE**



# **Developing the Secure Estate for Children and Young People in England and Wales**

## **Plans until 2015**

**This document is jointly produced by the Youth Justice Board for England and Wales and the Ministry of Justice. It is also available on the Ministry of Justice website at [www.justice.gov.uk](http://www.justice.gov.uk)**

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## Foreword

I am delighted to present the plans for the secure estate for children and young people until 2015. This fulfils a long-standing commitment and follows last summer's consultation exercise.

I am grateful for the many and varied responses we received as part of the consultation. We have carefully considered each one in the development of these plans. I would particularly like to thank the 678 young people in the secure estate who so openly shared their views with Voice and Barnardo's, who worked with the young people on our behalf.

Custody continues to play an important part in the youth justice system for the small number of children and young people for whom a community sentence is not appropriate. However, this small group comprises some of the most troubled and disengaged young people in our communities. It is essential that, during a period in custody, each young person is able to access services and support that enable them to lead a successful, fulfilled and crime-free life on return to their community.

The publication of these plans is taking place against the backdrop of a welcome and sustained decline in the number of young people entering custody. In common with all public services, the Youth Justice Board is facing a significant reduction in its budget over the spending review period to 2015. Nevertheless, the plans we have outlined are intended to ensure that we are able to commission a secure estate that meets the needs of children and young people, while maintaining their safety.

The plans also outline how we will respond to a number of specific challenges. During the next three years, I particularly look forward to deepening our relationships with local authorities and co-commissioners in health and education and continuing the progress we have already made to ensure that resettlement services provided in custody are fully integrated with those provided in the community. Above all, we will continue to work towards our ambition of commissioning a secure estate for children and young people that is distinct in its focus on children and young people. This will play a crucial part in ensuring young people are diverted from a life of crime and are supported to meet their full potential.



**Frances Done**  
**Chair, Youth Justice Board for England and Wales**

## Introduction

1. The government's vision for the secure estate for children and young people<sup>1</sup> is that every young person accesses services that enable them to lead successful, fulfilled and crime-free lives when they return to their community. We believe this can best be achieved in a distinct, specialist secure estate, where services are specifically designed to meet each young person's individual needs, in an environment that maintains their safety and maximises their potential.
2. In April 2000, the Youth Justice Board (YJB) was given statutory responsibilities for the secure estate for children and young people.<sup>2</sup> The functions include:
  - commissioning and purchasing secure places for young people under the age of 18
  - placing young people sentenced or remanded to custody by the courts, and
  - assessing future demand and planning to meet this demand.
3. This document sets out our plans for developing the under-18 secure estate over the course of the current spending review period until 2015. In addition, the government is developing a longer term strategy that will explore wider ambitions beyond the spending review period. This work will consider different types of provision, alternative commissioning arrangements, competition strategies, and the role of local authorities. We will engage youth justice partners as we take that forward.
4. The development of these plans is driven by the recent fall in the number of young people placed in custody and the need to improve outcomes – including reducing reoffending rates – for young people leaving custody. The plans also reflect a greater movement towards increased localism and the need to meet spending review commitments.
5. In meeting our responsibility to children in Wales, we will work closely with the Welsh Government to take forward our plans in the devolved administration in Wales. Annex 1 provides an overview of this approach.
6. Throughout this document, we use the terms 'children' and 'young people' interchangeably to describe all children aged under 18.

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<sup>1</sup> For more information on the secure estate for children and young people, please refer to the Ministry of Justice's website, [www.justice.gov.uk](http://www.justice.gov.uk), and the YJB's corporate plan: YJB (2011) *YJB Corporate and Business Plan 2011/12–2014/15*, London: YJB.

<sup>2</sup> Youth Justice Board Order 2000:  
<http://www.legislation.gov.uk/ukSI/2000/1160/contents/made>.

## **Principles for the secure estate for children and young people**

7. A set of principles has been developed to provide a framework for the commissioning and delivery of services in custody. The YJB commits to embedding these principles into its work by reflecting them at each stage of the commissioning process.

### **Principles for the secure estate for children and young people**

- 1) The secure estate for children and young people should be distinct from adult provision and specialist in its focus on children and young people.
- 2) Commissioned services should recognise diversity and promote equality proactively.
- 3) Commissioned services should maintain the safety and well-being of children and young people placed in custody and actively incorporate the views of young people.
- 4) Interventions to address offending behaviour should be based on evidence of effectiveness and their delivery informed by thorough assessment and individualised sentence planning processes.
- 5) Service providers should recognise and promote children and young people's potential, enabling them to lead healthy, crime-free lives on release.

8. We consider the principles to be an essential platform for protecting the rights of children and young people in custody, in line with the government's commitment to have due consideration to the United Nations Convention on the Rights of the Child (UNCRC) – including the presumption that custody should only be used as a last resort. This commitment is reflected in a variety of legislation, including the 1989 and 2004 Children Acts, the European Convention on Human Rights and the Human Rights Act 1998.

## **Context and challenges**

9. The development of plans for the secure estate for children and young people is set within the context of:
- reconfiguration of the secure estate following the reduction in the number of young people being sentenced or remanded to custody
  - the need to continue improving outcomes – including reducing reoffending rates – for young people in custody
  - increased localism, including plans for local authorities to take on greater financial responsibility for secure remands and the need to

consider the role of local decision-makers in the commissioning and delivery of services

- a fiscal climate, which requires a particularly prudent approach to public spending. From 2010/11 to 2011/12, the YJB's custodial budget decreased by 14.5% from £305.6m to £261.3m.<sup>3</sup> It is predicted to decline further to £202.3m in 2014/15. This has an impact on how we fulfil our functions, as well as how we respond to operational challenges.
10. While this strategy primarily focuses on the YJB's commissioning functions and service delivery in the secure estate, it is set within the context of a young person's wider journey through the youth justice system, where services are delivered by local authorities, health and education providers as well as voluntary and community sector organisations. We acknowledge the crucial role that services in the community play in ensuring successful outcomes for young people – both while placed in custody and on return to their communities.
11. After outlining operational challenges in more detail, the subsequent sections of this document set out how we propose to respond. We do this by describing:
- proposed changes to the reconfiguration of the secure estate in order to provide more enhanced provision within a decreasing estate and further concerted movement towards distinctive provision for under 18-year-olds
  - planned improvements to commissioning processes in order to ensure commissioned services better meet the needs of young people, and
  - how we will work closely with our service providers and the inspectorates to ensure children access those services that enable them to lead successful and crime-free lives on return to their home communities.

### ***Number of young people in secure establishments***

12. The number of young people sentenced to custody has reduced. In 2010/11, there were 4,177 custodial sentences. This represents a decrease of 31% from 6,037 custodial sentences in 2006/07.
13. The decrease in the number of children and young people in custody has not been uniform across all age groups. The most significant decreases have occurred for 10 to 14-year-olds (a 51% decrease since 2006/07) and 15-year-olds (a 41% decrease since 2006/07).

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<sup>3</sup> Youth Justice Board (2011) *Annual Report and Accounts*. London: YJB. Figures include costs for secure escorts.

14. The fall in demand for custody has already allowed the YJB to decommission a number of secure beds. To date, decommissioning activity has largely taken place in the public under-18 young offender institution (YOI) sector, and the reduction in demand from the younger age group has yet to be fully reflected in the decommissioning programme.

**Table 1: Beds decommissioned as % of that sector since April 2009<sup>4</sup>**

<b>Sector</b>	<b>Number of beds decommissioned</b>	<b>% decommissioned from total secure estate</b>	<b>% decommissioned from that sector</b>
Under-18 YOI (male and female)	983	28%	33%
Secure training centre	6	0.2%	2%
Secure children's home	53	2%	24%
<b>Total</b>	<b>1,025</b>	<b>29%</b>	

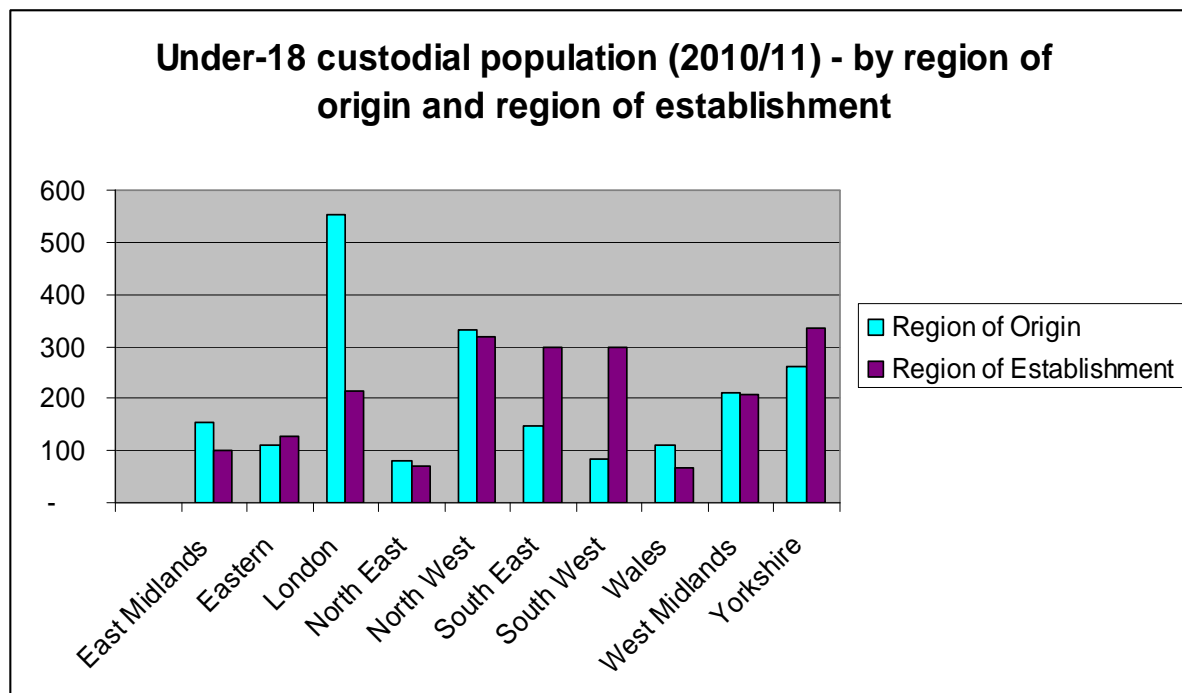
Data source: Youth Justice Board (2011) *Annual Report and Accounts*. London: YJB.

15. By making these reductions, the YJB has been able to ensure the national supply of secure beds is better aligned with demand, therefore meeting recommendations made by the National Audit Office and the Public Accounts Committee<sup>5</sup> to ensure the efficient use of public resources.
16. However, as Figure 1 below shows, further work is required to better balance demand and supply on a regional basis.

<sup>4</sup> The YJB commenced its decommissioning programme in April 2009. Figures are presented as a proportion of beds commissioned in April 2012 compared to April 2009.

<sup>5</sup> See: House of Commons Committee of Public Accounts (2011) *The Youth Justice System in England and Wales: Reducing Offending by Young People*, London: House of Commons, and National Audit Office (2010) *The Youth Justice System in England and Wales: Reducing Offending by Young People*, London: HM Government.

**Figure 1. Under-18 custodial population by region of origin and establishment**



Data source: Ministry of Justice (2012) *Youth Justice Statistics 2010/11 – England and Wales*. London: HM Government.

17. We recognise that there are risks in decommissioning as the secure estate consolidates into fewer, more dispersed sites. Specific risks are that:
- the demand for custodial places could outstrip existing provision should there be a sudden increase in the number of young people being remanded or sentenced to custody
  - once decommissioned, it can be very difficult to recommission places
  - the reduction in sites makes matching regional supply and demand more difficult. As a result, some children may be placed further away from their home communities
  - it can be more challenging for youth offending teams (YOTs) and young people's families to provide effective support in a more dispersed secure estate.

#### **Challenge 1: Responding to decreasing demand**

Better align supply and demand following the decline in the number of young people sentenced to custody, while mitigating the impact of having fewer establishments.



### ***Effective commissioning of services to improve rehabilitation***

18. We recognise that we are best able to support children and young people to reduce their reoffending by commissioning services that meet their needs.
19. There are certain groups of young people in the secure estate who require particular support, including those on remand, girls, those from Black and Minority Ethnic (BME) backgrounds, and younger children, as well as those with complex needs.

#### **Challenge 2: Effective commissioning of services to improve rehabilitation**

Ensuring that commissioned services are flexible enough to meet the individual needs of all children and young people placed into custody.

### ***Reducing reoffending by children leaving custody***

20. Reoffending rates are higher for young people who have completed a custodial sentence than for those who have completed a community sentence (33.3% of young people in the youth justice system as a whole reoffend within a year, compared to 69.7% of young people leaving custody).<sup>6</sup> It is therefore important that children and young people have access to effective and well-designed programmes and interventions that will help to prevent reoffending. However, the current range and effectiveness of programmes available to young people in secure establishments varies.
21. Reoffending can only be addressed in a safe, secure environment. Effective safeguarding is therefore important not only in its own right, but also because it is critical to reducing reoffending.
22. All too often young people are released from custody without having in place agreed plans for their resettlement. The successful resettlement of children and young people relies on custodial and community services working together in partnership. In too many cases, these services do not align effectively, with negative consequences for children and young people returning back to their home communities.

#### **Challenge 3: Reducing reoffending**

Working effectively with our providers, inspectorates and youth justice agencies in the community to ensure that young people in custody remain safe and have better access to services that are known to reduce the likelihood of reoffending, including consistent resettlement provision.

23. This document sets out the government's plans to meet the challenges described above.

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<sup>6</sup> Ministry of Justice (2010) *Reoffending Publication: Proven Reoffending Statistics – Quarterly Bulletin April 2009 to March 2010*. London: HM Government.

## Responding to challenge 1: reconfiguring the secure estate for children and young people

### Challenge 1: Responding to decreasing demand

Better aligning supply and demand following the decline in the number of young people sentenced to custody, while mitigating the impact of having fewer establishments.

### Decommissioning

24. Decommissioning activity focuses on reducing excess capacity and ensuring value for money by reducing the number of unoccupied beds.
25. We have already reduced the number of beds commissioned to reflect the recent fall in numbers of young people placed into custody. By making these reductions, the YJB ensures that public monies are used efficiently.
26. Given the fall in demand witnessed in the 10 to 15-year-old age group and the decommissioning of under-18 YOIs that has already taken place, it is likely that future decommissioning will be proportionately higher in the secure training centre (STC) and secure children's home sectors, where we have experienced excess capacity.
27. For the purpose of placing young people, the YJB views STCs and secure children's homes as broadly interchangeable, while recognising that there are some young people for whom only a secure children's home environment is appropriate. This can be due to age (the YJB would not place a 10 or 11-year-old in any establishment other than a secure children's home) or a particular combination of age and need.
28. Both secure children's homes and STCs have specially trained staff and staffing ratios that allow for the delivery of regimes that address the holistic needs of children and young people. In addition, the size of secure children's homes and STCs is comparable – and a lot smaller than under-18 YOIs.
29. Contingency arrangements are in place with providers in all sectors of the secure estate to manage any sudden or unexpected increases in the custodial population.
30. Commissioning the optimum number of secure places from existing secure sectors to meet the range of needs presented by young people in custody remains a priority. During the course of the spending review period, three out of the four STC contracts are due to expire. In addition, a number of contracts with secure children's homes will expire.

31. Over the course of the spending review period, we plan to recontract STCs as well as secure children's homes. This will enable us to commission the optimum number of beds from these sectors to provide services for the younger age cohort and those who would benefit from secure children's home and STC provision.

**Responding to challenge 1: decommissioning**

Future decommissioning activity will ensure that supply and demand are closely aligned and reflect accurately the recent fall in the number of young people being placed in custody.

Unnecessary excess capacity will be decommissioned, and the re-contracting of secure children's homes and STCs will seek to ensure better value for money.

**Geographical distribution**

32. The YJB's commissioning functions include the regular review of the current geographical distribution of services. We are particularly mindful of the fact that current demand outstrips supply in London and the South East. To this end, the YJB and the National Offender Management Service (NOMS) have agreed to increase provision at Cookham Wood YOI in Rochester (Kent). A new accommodation block and a separate education block will be built, increasing the maximum capacity from 131 to 208. Current plans are to gain planning permission in spring 2012 and to have completed the extension by autumn 2013.
33. We do not intend to increase overall under-18 YOI capacity, and will continue to review current capacity in this sector prior to the beds at Cookham Wood becoming available.

**Responding to challenge 1: geographical distribution**

By reconfiguring the secure estate, we will ensure an appropriate geographical distribution of establishments to effectively meet regional demand, with a particular focus on London and the South East.

## **Reviewing commissioned services to better meet the needs of young people**

### ***Services for girls***

34. Girls in custody have characteristics and needs that are different from their male peers: higher numbers have experienced violence or past abuse, and they display greater levels of depression and mental health problems.<sup>7</sup>
35. The proposed changes to the remand framework, which will remove the anomaly of 17-year-old females being treated as adults for remand (and placement) purposes, will furthermore impact on how services for girls are commissioned and delivered.
36. The YJB therefore recognises that current services provided to girls require a more specific focus on meeting their needs, given their particular characteristics and past experiences. Over the period of this spending review, the YJB, therefore, will undertake a review of services currently provided to girls in custody, with a view to making the necessary adjustments to commissioned services.

### ***Young people with complex needs***

37. A small minority of young people placed in the secure estate display complex needs and risks. These can often not be addressed effectively in mainstream under-18 YOI provision. It is also often not possible to place these young people in secure children's homes or STCs, either due to age or the particular risks posed to others.
38. For these young people, we will continue to build on emerging good practice in providing intensive support in enhanced units such as the Keppel Unit at Wetherby YOI and the Willow Unit at Hindley YOI.<sup>8</sup> The Keppel Unit at Wetherby YOI is a 48-bed unit and was established to provide a specialist service to 15 to 17-year-old young men who do not engage – or are unlikely to engage – with the normal regime in an under-18 YOI.
39. Hindley YOI opened the Willow Unit for young people with significant mental health needs, including severe emotional, social and behavioural difficulties. These young people are unable to engage effectively with the residential regime and, in the past, would often have been located within the healthcare or segregation units. With support from mental health providers, more focused one-to-one interventions are delivered which support those young people who may be less willing to engage with constructive activities in mainstream provision.

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<sup>7</sup> Ministry of Justice (2010) *Reoffending Publication: Proven Re-offending Statistics – Quarterly Bulletin April 2009 to March 2010*. London: HM Government.

<sup>8</sup> Youth Justice Board (2011) *Keppel Unit – Process Evaluation*. London: YJB.

40. The dedicated staff recruitment and specialised workforce development in these units in particular has resulted in more individualised and targeted assessment processes, sentence planning and service delivery.<sup>9</sup> Over the course of the spending review period, we will seek to develop and commission additional enhanced units within under-18 YOIs.
41. By taking this approach, we will be better able to meet the needs and improve the outcomes of those young people with the most complex and entrenched needs, while making effective use of existing resources. We will share best practice with other under-18 YOIs and we anticipate that the expansion of enhanced units will not only benefit those children and young people placed there, but will have broader benefits for young people in mainstream under-18 YOIs.

**Responding to challenge 1: reviewing commissioned services**

In light of a declining custodial population in the secure estate for children and young people, we will continue to review existing service provision.

Specifically, this will include seeking to develop and commission additional enhanced units within under-18 YOIs and ensuring that commissioned services are able to meet the needs of all young people placed into custody, including specifically younger children, girls, young people with particular complex needs and young people on remand.

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<sup>9</sup> Youth Justice Board (2011) *Keppel Unit – Process Evaluation*. London: YJB

## Responding to challenge 2: effective commissioning of services to improve rehabilitation

### **Challenge 2: Effective commissioning of services to improve rehabilitation**

Ensuring that commissioned services are flexible enough to meet the individual needs of all children and young people placed into custody.

### **Effective commissioning of services**

42. The YJB's national commissioning function will be retained. It provides leverage to improve service standards across all sectors of the secure estate, while also ensuring value for money.
43. We recognise that a national commissioning function across England and Wales poses challenges, in particular when set against the wider context of increased localism. We are therefore keen to do more to better align national and local priorities. We believe this is best achieved by developing effective commissioning structures which incorporate the views of local commissioners, service providers and national co-commissioners. This will involve developing effective partnerships with Directors of Children's Services who have responsibilities for a secure establishment(s) in their area, as well as education, health and substance misuse commissioners. We will also engage with the Local Government Association and the Association of Directors of Children's Services.
44. In addition, we will continue to strive for service improvements from existing providers and explore whether different methods of service delivery can contribute to this aim. Where appropriate, this means that we will allow providers greater freedom to innovate and develop services that are better shaped around the particular needs of children and young people. We will consider the potential for introducing payment-by-results approaches, paying providers on the basis of outcomes. In addition, we will also look for opportunities for competition and market testing as a means to improve service delivery.
45. Proposals contained in the Legal Aid, Sentencing and Punishment of Offenders Bill (currently before Parliament) outline our plans to make local authorities gradually more responsible for the full cost of court-ordered secure remands, while retaining the central function to place children in secure custodial remand. By changing purchasing arrangements for this cohort of young people, we hope to see a reduction in the use of secure remand.
46. Furthermore, the YJB will continue to work with youth offending teams (YOTs) to reduce the number of young people remanded to custody. This includes developing a toolkit, as well as providing quarterly tracking information to all local authority chief executives and YOT managers. In addition, the YJB has carried out targeted work to support those YOTs with high levels of remand.

### **Responding to challenge 2: effective commissioning**

The YJB is committed to developing more effective commissioning processes, including:

- increasing the involvement of national and local commissioning partners/providers in national commissioning decisions, and
- developing different ways of working with our providers in order to encourage greater innovation.

### **Evidence-based commissioning**

47. The recently published *Youth Justice Statistics 2010/11*<sup>10</sup> allows, for the first time, direct comparison between the reoffending rates of young people leaving the three secure estate sectors. The report shows that the reoffending rate for children leaving secure children's homes is highest at 79%, with those leaving STCs and under-18 YOIs being 69.2% and 70% respectively.
48. It is, though, difficult to draw direct comparisons between the sectors given that the needs of the populations worked with in each sector differ substantially. In addition, it would be too simplistic to attribute future behaviours of children leaving custody to the interventions delivered and services offered in custody. Community services – both pre- and post-custody – have a vital role to play in preventing further offending.
49. The YJB is therefore doing further work to develop its knowledge and evidence base and has commissioned the Institute of Criminal Policy Research and IPSOS Mori to undertake a large-scale study.
50. The focus of the cost-effectiveness element of this study will be to establish how the costs of each sector compare with the outcomes (and subsequent savings) achieved, acknowledging the different needs and risks of the young people in each establishment type.
51. The final stage of this study is a 12-month reconviction analysis, which will include a cost-effectiveness component. We plan to publish these findings in 2013.
52. From April 2012, the YJB will begin to introduce new processes to more effectively make use of existing evidence about young people's needs to inform its commissioning decisions. This will include working with our co-commissioning partners to draw together multiple sources of evidence to fully understand the holistic needs of children and young people placed in custody.

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<sup>10</sup> Ministry of Justice (2012) *Youth Justice Statistics 2010/11 – England and Wales*. London: HM Government.

### **Responding to challenge 2: evidence-based commissioning**

The YJB will continue to build an evidence base to inform its commissioning decisions. This will include learning lessons from research as well as undertaking a fresh needs analysis in partnership with our co-commissioning partners.

### **A distinctive secure estate for children and young people**

53. Under current arrangements, the under-18 YOI sector can lack a distinct focus on service delivery for children and young people. In this sector there is potential for tensions to arise between the YJB's requirements for services with an exclusive focus on children's needs, and the various demands placed on its main provider NOMS, which mainly provides services to adults.
54. Significant progress has already been made towards the development of a distinct secure estate for under 18-year-olds. Today, 85% of secure places are commissioned in under-18 YOIs, which are distinct in their focus on under-18-year-olds.<sup>11</sup> This compares to 29% in April 2000, when the YJB took over commissioning responsibilities. This ensures that children and young people are able to access services while in custody that are better able to respond to their needs.
55. The YJB will continue to work with NOMS on the implementation of a workforce development strategy for England and Wales, which attracts, recruits and trains staff who have expressed a specific interest in, and who have the skills to work with, children and young people.
56. In addition, the YJB will continue its negotiations with NOMS on the following key areas that will contribute to further movement towards a fully distinct secure estate:
  - commissioning separate under-18 establishments
  - creating a bespoke operating manual and policies, tailored specifically for young people
  - introducing clear governance arrangements to ensure that the delivery of services in under-18 YOIs is overseen and managed separately from the wider, adult secure estate.

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<sup>11</sup> The YJB commissions three dedicated YOI units for 17-year-old young women. We view these units as distinct, separate accommodation for this cohort and reflected this in the figures provided.



**Responding to challenge 2: a distinctive secure estate for children and young people**

The government will support the YJB to commission services that are distinct in their focus on children and young people.

## **Responding to challenge 3: reducing reoffending by children leaving custody**

### **Challenge 3: Reducing reoffending**

Working effectively with our providers, inspectorates and youth justice agencies in the community to ensure that young people in custody remain safe and have better access to services that are known to reduce the likelihood of reoffending, including consistent resettlement provision.

### **Working effectively with inspectorates**

57. The YJB increasingly relies on judgments made by the inspectorates to inform its monitoring and performance management processes. This ensures that duplication between the YJB's own monitoring function and that of inspectorates is avoided. The YJB will continue to engage with Her Majesty's Inspectorate of Prisons for England and Wales (HMIP), Ofsted and the Care Quality Commission.
58. Already, HMIP and Ofsted are in the process of developing a joint inspection process for STCs. Over the course of this spending review period, we hope this will lead to a consistent approach to the inspection of both under-18 YOIs and STCs.
59. The YJB will also engage with the Care and Social Services Inspectorate for Wales, Estyn and Healthcare Inspectorate Wales to ensure that arrangements are equally employed in Wales and reflect devolved policy and legislation.

### **Responding to challenge 3: working with inspectorates**

The YJB will continue to engage with inspectorates with a view to strengthening its monitoring and performance management processes. Judgments about the quality of service provision arrived at by the inspectorates will increasingly inform the YJB's monitoring and performance management approaches.

### **Working effectively with secure providers**

#### ***Placement process***

60. Placement decisions are made on an individual basis. The YJB will place young people into establishments that can most effectively meet individual needs and manage risk factors.

61. When placing a young person, we strive to reflect the needs of the young person being placed (based on the information received from the young person's YOT) as well as factors relevant to particular establishments, such as their current population characteristics.
62. By taking into consideration a wide range of information when making the initial placement decision, the YJB seeks to avoid transferring young people during their placement. Should a young person's risk and need profile change, alternative placements are considered which may better enable a young person to access required services.
63. In order to increase transparency and accountability for placement decisions taken, the YJB is currently introducing processes which allow YOTs and secure establishments to request a review of decisions taken. This means that decisions will be jointly arrived at by the YJB and youth justice agencies in the community and custodial settings.
64. These new processes will take effect from March 2012.

**Responding to challenge 3: placement process**

Placement decisions will continue to be based on the assessed needs of children and young people, with a view to ensuring that they access those services that are best able to meet their needs. The YJB's placement process will ensure that YOTs have a greater involvement in decisions taken.

***Maintaining the safety and well-being of children and young people placed in custody***

65. The starting point for successfully engaging young people is ensuring their safety. Effective safeguarding is therefore of paramount importance and is also vital to reducing reoffending.
66. The primary responsibility for ensuring the safety and promoting the well-being of children and young people in custody rests with secure accommodation providers. Providers ensure this by having in place integrated safeguarding processes, supported by local authority children's services and Local Safeguarding Children Boards.
67. This work takes place within current legislative frameworks<sup>12</sup> as outlined in statutory guidance,<sup>13</sup> and ensures young people are protected from harm from self, adults (including neglect) and peers while effectively promoting their well-being.

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<sup>12</sup> Children Act 2004 (<http://www.legislation.gov.uk/ukpga/2004/31/contents>).

<sup>13</sup> Department for Children, Schools and Families (2010) *Working Together to Safeguard Children – A Guide to Inter-Agency Working to Safeguard and Promote the Welfare of Children*, London: HM Government, and Welsh Assembly Government (2007) *Working Together under the Children Act 2004*, Cardiff: Welsh Assembly Government.

68. By way of supporting establishments and local authorities to meet their statutory duties, the YJB will:
- continue with the implementation of recommendations from the Independent Review of Restraint (IRR), including working effectively with NOMS and other stakeholders to develop and improve behaviour management systems, including restraint, in secure children's homes, STCs and under-18 YOIs
  - ensure providers implement recommendations arising from our reviews of full searches, separation, complaints and helplines
  - for the period of the spending review, provide funding for a number of dedicated social work posts in under-18 YOIs to work with young people who are, or have been previously, looked after. The re-introduction of these posts strengthens the relationships between the establishments and young people's home local authorities, and therefore supports under-18 YOIs and local authorities in meeting their statutory needs. The YJB wishes to sustain this provision beyond the spending review period
  - continue to work with NOMS in developing protocols that support the early identification, timely assessment and effective care planning for children who are – or have been – in care. We will ensure that these are referenced in establishment resettlement and safeguarding policies. This will ensure children and young people receive the statutory services to which they are entitled, and contribute to wider government commitments to improve outcomes for looked-after children
  - continue to directly commission advocacy services in under-18 YOIs.
69. In addition, we will work in partnership with the Department for Education, who are currently in the process of reviewing statutory safeguarding guidance with a particular view to ensuring arrangements support youth justice services across the community and custodial settings.
70. In Wales, we will continue to engage with the Department for Education and the Welsh Government as they look to re-write their statutory guidance documents on joint working to safeguard children. This will enable us to ensure that the needs of children in custody continue to be understood and addressed appropriately across all agencies involved in their care.

**Responding to challenge 3: maintaining the safety and well-being of children and young people placed in custody**

We will continue to support our providers in meeting their statutory safeguarding duties. This will ensure that young people are kept safe while placed in custody, enabling their effective engagement.

### **Workforce development**

71. Young people have told us that the successful delivery of interventions and services depends to a large extent on the relationships that are developed between members of staff and young people.<sup>14</sup> The development of a highly motivated and qualified workforce is therefore a key part of our plans.
72. The YJB's vision is that all staff should be recruited specifically for – and should demonstrate a commitment to – working with children and young people. They should be adequately trained to work and deal with the challenges that this group presents, able to effect change in young people, and be supported by management processes that include thorough supervision and debriefing sessions.
73. We are committed to enhancing access to accredited, relevant and transferable training for all youth justice practitioners working in secure establishments, as well as enhancing opportunities for joint training between practitioners from different backgrounds working in custodial establishments. The YJB will work more closely and inclusively with community and custody providers in order to make more strategic improvements for the youth justice workforce and exploit opportunities for multi-agency training and development.
74. Building on the progress made following the introduction of the National Qualifications Framework for practitioners in the secure estate, the YJB is in the process of extending access for all youth justice practitioners.
75. In addition, NOMS' Juvenile Awareness Staff Programme (training delivered to staff in under-18 YOIs) will be updated and enhanced, and will include a full review of the curriculum content. This is being undertaken through a multi-agency steering group with representatives from a wide range of relevant specialisms, and will include modules on child development, risk and resilience, and the emotional health and well-being of children and young people.

#### **Responding to challenge 3: workforce development**

We will continue to support our providers to develop a dedicated workforce that is skilled to work with young people in custody.

We will furthermore ensure a greater consistency of skills and competencies across the youth justice workforce. This will include identifying opportunities to develop multi-agency training across the community and custodial settings.

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<sup>14</sup> Youth Justice Board (2012) *Developing the Secure Estate for Children and Young People in England and Wales – Young People's Consultation Report*. London: YJB.

### ***Effective interventions to reduce the risk of offending***

76. A period in custody must provide young people with the chance to recognise and take responsibility for their actions, and the chance to learn how to change their patterns of behaviour before they become adults.
77. The YJB has a statutory duty to identify, make known and promote the most effective interventions for young people.<sup>15</sup> As part of the YJB's Effective Practice Programme, we will ensure that we provide our secure providers with high-quality advice and guidance about programme development and evaluation techniques, as well as ensuring that providers have access to the latest materials in relation to the range of current practice across the youth justice system.
78. Reflecting wider government commitments articulated in the cross-government report, *Ending Gang and Youth Violence*,<sup>16</sup> we will encourage and support our providers to accurately identify gang affiliation when assessing, intervening with, and resettling young people. The YJB will encourage the sharing of information with and between all criminal justice agencies. In addition, we will consider the potential for the national collection of gang-related data concerning young people in the youth justice system.

#### **Responding to challenge 3: effective interventions to reduce the risk of offending**

In partnership with its providers, the YJB will do more to identify and disseminate effective offending behaviour interventions in the secure estate. This will mean that children and young people placed in custody will have access to well-designed interventions which effectively address their offending behaviour – including where gang affiliation has been identified.

### ***Effective assessment and sentence planning***

79. The YJB has developed a new assessment and planning interventions framework which applies to both community and custodial settings and will ensure assessments remain current throughout the sentence. This will assist the delivery of coherent sentences and resettlement plans. Decisions about implementation processes are still being made and are subject to discussions on budgetary prioritisation. A decision is expected in Spring 2012.
80. The YJB has already outlined roles and responsibilities in relation to the sentence planning process.<sup>17</sup> Further guidance will be issued that provides clear divisions of responsibility across multi-agency teams. This will give

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<sup>15</sup> See Crime and Disorder Act, s. 41(f).

<sup>16</sup> Home Office (2011) *Ending Gang and Youth Violence – A Cross-Government Report*. London: HM Government.

<sup>17</sup> Youth Justice Board (2010) *Case Management Guidance – Planning and Delivering Interventions in Custody and Resettlement into the Community*. London: YJB.

practitioners and managers a comprehensive overview of how to plan and co-ordinate services based on what we know about effective practice. It will also provide clarity on the case management and sentence planning requirements of secure settings, and provide consistency with the approaches taken by YOTs to help achieve an end-to-end approach to sentence and remand planning.

81. In England, the Department of Health is developing a Comprehensive Health Assessment Tool (CHAT) for introduction in both custodial establishments and the community (to be piloted in the community from April 2012). The screening tool will address the gaps in health information resulting from current health screening and assessment processes, including physical health, learning disabilities, neuro-developmental disorders (e.g. autistic spectrum disorders, acquired and traumatic brain injury, and speech, language and communication needs).

**Responding to challenge 3: effective assessment and sentence planning**

The YJB will continue to improve assessment and sentence planning processes. In addition, the YJB will work with its co-commissioners in health and education to ensure assessment and information sharing processes are established to ensure children and young people access those services that are best able to meet their needs.

***Mental health and physical well-being***

82. Young people who have become involved in the youth justice system have far more unmet health needs than other children of their age, and studies have shown that around a third of young offenders have a mental health need.<sup>18</sup>
83. There is a clear link between certain health needs and offending behaviour (mental health, substance misuse and learning difficulties in particular). Effectively addressing the physical and mental health needs of young people in custody will help to deliver reductions in future offending and improvements in life chances. A period in custody therefore presents an opportunity to identify, manage and treat emerging mental health issues as well as physical health needs. This promotion of health and resilience will help prevent these mental and physical illnesses from developing further in later years.<sup>19</sup>

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<sup>18</sup> Youth Justice Board for England and Wales (2005) *Mental Health Needs and Effectiveness of Provision for Young Offenders in Custody and in the Community*. London: YJB.

<sup>19</sup> See: Department of Health (2009) *Healthy Children, Safer Communities – A Strategy to Promote the Health and Well-Being of Children and Young People in Contact with the Youth Justice System*, London: HM Government, and Department of Health (2011) *No*

84. In England, Primary Care Trusts currently have responsibilities for commissioning health services in public under-18 YOIs and will have responsibility for STCs and secure children's homes in the near future. Subject to legislation, the NHS Commissioning Board will then become responsible for commissioning services for children who are placed in an under-18 YOI, STC or secure children's home. The YJB will therefore continue to work with health commissioners to ensure services are strategically commissioned and based on assessed needs.
85. In Wales, responsibilities for physical and mental health services delivered in custodial settings are shared between secure accommodation providers and the NHS. Here, the YJB will continue to engage with the Welsh Government to achieve the aims identified above.
86. In addition to the introduction of CHAT (see paragraph 81), the Department of Health is also developing effective interventions for young people with emerging dangerous and severe personality disorders.
87. The government recognises the connection between substance misuse and offending behaviour and that children and young people often require substance misuse interventions. In England, the YJB will continue to work in partnership with the National Treatment Agency for Substance Misuse (NTA) to ensure these services are delivered effectively and to encourage secure establishments and YOTs to work in partnership with the local young people substance misuse planning and commissioning group and the commissioning lead.
88. The NTA will support strategic leads and commissioners, as well as senior managers in under-18 secure establishments, as they make the changes required following the transfer of responsibility for commissioning secure estate substance misuse provision from the YJB to the local partnership area where the establishment is situated.
89. In Wales, the responsibility for commissioning custodial substance misuse treatment remains with secure accommodation providers, while clinical treatment rests with the NHS, overseen by the Welsh Government. We will continue to engage with these agencies to promote effective commissioning.
90. As part of promoting healthy lifestyles, providers across all sectors of the secure estate are already required to make available a balanced and healthy diet. Young people reported that current menus do not provide an appropriate range of healthy options. In addition, many young people felt that the quantity of food should be increased.
91. As a result of the feedback received, the YJB will support its providers by:
  - reviewing the service level agreement with NOMS, with a particular focus on catering arrangements



- reviewing the structure of the whole-day experience of young people in under-18 YOIs. As part of this we will assess the use of breakfast packs
- working with the School Food Trust to explore potential initiatives to enhance food provision in the secure estate.

### **Responding to challenge 3: mental health and physical well-being**

The YJB will continue to support its providers to promote healthy lifestyles. We will do so by working with co-commissioners in health and substance misuse to ensure that the health needs of children and young people in custody are met effectively.

As a result of feedback received from children and young people, we are committed to reviewing catering arrangements across the under-18 secure estate.

### ***Learning and skills***

92. Children and young people should have access to provision which reflects their educational development to date, with a particular focus on improving literacy and numeracy standards and progressing educational attainment. A period in custody can allow for significant improvements in attainment, contributing to the successful engagement with mainstream education on release from custody.
93. The commissioning of learning and skills services differs between the secure estate sectors. In public sector under-18 YOIs, learning and skills services are commissioned by the Young People's Learning Agency.<sup>20</sup> The equivalent services in STCs, secure children's homes and private sector under-18 YOIs are commissioned by the YJB as part of the substantive custodial operation contract.
94. Feedback from the survey of children and young people, as well as findings from Ofsted inspections,<sup>21</sup> suggests that the absence of choice in the learning and skills young people can pursue in custody can lead to them accessing unsuitable provision. The YJB will continue to work with education commissioners to ensure this issue is addressed.

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<sup>20</sup> In 2013, the Young People's Learning Agency's functions are to be transferred to a new executive agency of the Department for Education – the Education Funding Authority.

<sup>21</sup> Ofsted (2010) *Transitions through Detention and Custody*. London: Ofsted.

95. A significant proportion of young people in custody have special educational needs and behavioural and emotional difficulties that mean they find it difficult to engage in learning.<sup>22</sup> It is important that providers are sensitive to this issue, and have in place processes to identify and address these needs effectively.
96. The approaching expiration of contracts for the provision of learning and skills in public sector under-18 YOIs, as well as the STC recontracting programme, provides the government with an opportunity to revisit its intentions for learning and skills services for children in custody. To maximise this opportunity, the Department for Education, Department of Health, NHS and Ministry of Justice will continue work to further improve the education provision of young people in the secure estate and for those released from custody, including addressing any underlying special educational needs, disability or mental health issues.<sup>23</sup>
97. This will mean that:
- a long-term approach to the commissioning of education and training in custody is developed
  - the distinct learning and skills needs of young people in custody are provided for, including access to a diverse curriculum that keeps young people engaged
  - links are forged or maintained with a young person's learning and skills provider in the community, including the transfer of information and access to suitable careers advice
  - consideration is given to raising the compulsory participation age for education in England to 17 in 2013 and 18 in 2015
  - providers of learning and skills services are held to account for the improvements in outcomes and attainment while a young person is accommodated within the secure estate.
98. The YJB recognises that children and young people from Wales are a group with specific educational and cultural requirements. For example, they have the right to education and careers advice in their preferred language in line with the 'Welsh Language Scheme' and Section 21 of the Welsh Language Act 1993.
99. The YJB will continue to work with the Welsh Government to ensure that, following the transfer of commissioning responsibilities for education, the specific needs of Welsh children in the English secure estate are addressed, as well as those of English young people placed in Parc YOI.

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<sup>22</sup> Department for Children, Schools and Families (2009) *Special Educational Needs in England – January 2009*. London: HM Government.

<sup>23</sup> Home Office (2011) *Ending Gang and Youth Violence – A Cross-Government Report*. London: HM Government.

### **Responding to challenge 3: learning and skills**

The YJB will continue to work with education commissioners to ensure that young people access an appropriate range of learning and skills provision while placed in custody and on return to their communities.

In addition, the government is committed to developing a long-term approach to the commissioning of education and training in custody.

### ***Transition from youth to adult justice services***

100. The YJB recognises that a number of young people will turn 18 while in custody. The transition from youth to adult justice services is a critical time and requires careful management, whether it takes place in custody or the community.
101. Work will continue on the review and refresh of the joint YJB/NOMS national transfer protocol document. This protocol will be updated to reflect new initiatives and examples of effective practice across both the youth and adult justice systems and will be reissued in the summer of 2012.
102. In addition, we will continue to support Her Majesty's Inspectorate of Probation during its joint thematic inspection, and will work to implement recommendations from its forthcoming report about the transition of young people from youth to adult justice services (expected in 2012).

### **Responding to challenge 3: transition from youth to adult justice services**

The YJB will continue to support providers in managing the transition of those children and young people who are transferred to adult services to ensure transitions are seamless and effective.

### ***Resettlement***

103. The effective preparation for resettlement starts when a young person is first placed into custody and should, whenever possible, involve the effective engagement of a young person's family. While we recognise the resource implications and some of the practical barriers, secure providers should help to maintain family contacts where appropriate and facilitate any structured interventions undertaken by YOTs.<sup>24</sup>

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<sup>24</sup> See: Department for Education and Department for Work and Pensions (2011) *A New Approach to Child Poverty: Tackling the Causes of Disadvantage and Transforming Families' Lives*. London: HM Government.

104. There are already a number of statutory obligations on the part of local authorities to provide suitable accommodation and related resettlement support when a young person is released from custody, as well as wider duties to prevent offending and reoffending.
105. The Heron Unit at Feltham YOI will continue to deliver an enhanced resettlement programme to young people from London boroughs until the close of May 2012. Young people placed on this unit receive enhanced, continuous support from a team of resettlement brokers.
106. The project was a partnership between the Greater London Authority (GLA), the London Development Agency, and the London Criminal Justice Partnership. It was part of the Mayor of London's 'Time for Action' strategy and is one element of the 'London Youth Reducing Re-offending Programme' (Project Daedalus).
107. Project Daedalus was a pilot programme funded by the European Social Fund, the London Development Agency Programme 2007-10 (which ends, as planned, in May 2012) and the Youth Justice Board. The Mayor of London has secured funding from the European Social Fund for enhanced resettlement from 2012 to 2015 for London-based young people; this will include provision for young people placed at Feltham YOI. The YJB provided funding for enhanced staffing levels at the Heron Unit as part of Project Daedalus, and this will continue until September 2012 while the future role of the unit is determined.
108. The YJB has already led on the development of seven resettlement consortia across England and Wales. Each consortia is centred around at least one under-18 secure establishment, and works by facilitating closer working relationships between local authorities, youth justice services, and housing and education providers, as well as private and voluntary organisations.
109. The consortia way of working is showing promising early results, both in terms of improved resettlement outcomes for young people and a reduction in reoffending. Those areas that have been involved are enthusiastic about the benefits of this way of working and the network of resettlement consortia is continuing to grow across England and Wales under the leadership of the YJB. Evaluations are being undertaken to ensure that effective practice is identified and disseminated.
110. In addition, the YJB continues to work with YOTs to improve the effective transfer of information between custody and the community to enable early plans to be put in place prior to a child or young person leaving custody.

### **Responding to challenge 3: resettlement**

The YJB will continue to support the development of a number of regional resettlement consortia until March 2013, when it is anticipated that the consortia will be fully locally funded and governed.

***Promoting equality***

111. We continue to take seriously the over-representation of BME young people in the youth justice system. The YJB therefore expects its service providers to promote equality and diversity, and respond to differences, as well as having in place processes which reflect statutory duties under the Disabilities and Equality Act 2010. This includes having in place robust data collection mechanisms and taking remedial action, where required, following analysis of this data.
112. Under-18 YOIs already have in place systems for monitoring and addressing any issues of disproportionality where it arises, including in relation to adjudications, separation, the use of force and the complaints system. The YJB is currently working with its providers to ensure that best practice is shared across all sectors of the secure estate.
113. The YJB continues to monitor data centrally and regularly feeds information back to establishments. In addition, the YJB intends to undertake further work into understanding why BME children and young people continue to have less favourable experiences in custody compared to their White peers. Once completed, this will enable us to better support our providers in developing effective structures and practices to promote equality and actively address discrimination.

**Responding to challenge 3: promoting equality**

The YJB will work with its providers to ensure that best practice approaches are shared between sectors. In addition, the YJB will undertake further work into understanding why BME children continue to have less favourable experiences in custody compared to their White peers.

## Annex 1: The Welsh perspective

Responsibilities for services that are essential for the successful rehabilitation of children and young people leaving custody are devolved to the Welsh Government. This means that there are often different policies, practices and commissioning arrangements for education, health and social welfare in Wales. In addition, as some children and young people from Wales are held in the secure estate in England, it is necessary to address the added challenges that these differences can bring.

In recognition of this, the YJB and the Welsh Government outlined their plans for young people from Wales entering custody as part of *The All Wales Youth Offending Strategy*<sup>25</sup> in 2004. A commitment was made to ensure that all Welsh children and young people entering custodial facilities in England are afforded the same rights as their English counterparts and as other children and young people in Wales. The principal aim is that children and young people from Wales who serve a custodial sentence should do so within an environment that maintains their connection with their families, their culture and their communities.

While there remains an aspiration to maintain and increase the amount of secure accommodation for children and young people within Wales, this must be set against the fall in the number of young people from Wales now in custody and the shrinking secure estate. The YJB and the Welsh Government have developed a bespoke service specification for Welsh young people held in the secure estate. Our intention is to ensure that Welsh young people's distinct educational, vocational, health and cultural needs are addressed in the language of their choice, no matter which country they are held in. This bespoke specification is now operational in Hindley YOI, and, together with a bespoke placement protocol, this will allow young people from northern Wales to receive appropriate services.

The Welsh Government bases all its policy in relation to children and young people on the United Nations Convention on the Rights of the Child (UNCRC). It has also introduced a duty for Welsh Ministers to have due regard to the UNCRC through the Rights of Children and Young Persons (Wales) Measure 2011.

The Welsh Government is now pursuing ways in which the aftercare and resettlement of those leaving custody can be made more effective through improving the support devolved services provide to young people leaving custody, including consultation on a Prevention of Youth Offending (Wales) Bill. The YJB will provide advice and assistance in this, and will ensure that delivery of the principles in this present document are aligned with these developments.

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<sup>25</sup> Youth Justice Board and Welsh Assembly Government (2004) *The All Wales Youth Offending Strategy*. London/Cardiff.

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